

JONATHAN O. PENA, ESQ.
CA Bar ID No. 278044
Peña & Bromberg, PLC
2440 Tulare St., Suite 320
Fresno, CA 93721
Telephone: 559-412-5390
Fax: 866-282-6709
info@jonathanpena.com
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Lorenzo Villapando,
Plaintiff,

vs.

Kilolo Kijakazi, Acting
Commissioner of Social Security,
Defendant.

Case No. 1:20-cv-01666-SKO

STIPULATION AND ORDER FOR
EXTENSION OF TIME

(Doc. 16)

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 60-day extension of time, from January 21, 2022 to March 22, 2022, for Plaintiff to serve on defendant with PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT. All other dates in the Court's Scheduling Order shall be extended accordingly.

1 This is Plaintiff's first request for an extension of time. Counsel has recently
2 received a greater number of Answers and Certified Administrative Records from
3 defendant in cases in this district, and the three other California Districts, each of
4 which require settlement negotiations or merit briefing. Counsel has a greater than
5 usual number of merit briefs due in January 2021. In the Eastern District of
6 California, Counsel received 60 Certified Administrative Records for November
7 2021 through December 2021.

8 As to merit briefs, for the weeks of January 17, 2022 and January 24, 2022,
9 Counsel has 23 merit briefs, numerous reply briefs, and EAJA Motions. Counsel
10 also has 15 administrative hearings before the Office of Hearing Operations for
11 Social Security.

12 Due to Counsel's attempt to spread out the significant increase of briefs due
13 for prior months, in the month of January 2022, Plaintiff's Counsel has well over
14 34 merit briefs. And for February 2022, Plaintiff's Counsel has 19 merit briefs.

15 In addition, Counsel is responsible for reviewing Appeals Council ("AC")
16 denials for possible filing in US District Court. Counsel has received an unusual
17 and ever-increasing number of AC denials which require a review for possible
18 filing in US District Court. The AC has also recently denied our extension
19 requests at the administrative level to allow more time to review those files.
20 Therefore, Counsel is unable to push out any of the AC denials which are dated
21 within 65 days.

22 Lastly, Attorney Dolly M. Trompeter, an attorney with the firm Pena and
23 Bromberg, PC is currently out of State tending to her ill father prompting the
24 undersigned Counsel to take on additional matters on her behalf.

25 Due to the combination of the above issues, Counsel for Plaintiff has a larger
26 than usual number of briefs due for the months of January 2022 and February
27 2022.

1 Counsel for the Plaintiff does not intend to further delay this matter.
2 Defendant does not oppose the requested extension. Counsel apologizes to the
3 Defendant and Court for any inconvenience this may cause.

4
5 Respectfully submitted,

6 Dated: January 13, 2022 PENA & BROMBERG, ATTORNEYS AT LAW

7
8 By: /s/ Jonathan Omar Pena
9 JONATHAN OMAR PENA
10 Attorneys for Plaintiff

11
12 Dated: January 13, 2022 PHILLIP A. TALBERT
13 United States Attorney
14 PETER K. THOMPSON
15 Acting Regional Chief Counsel, Region IX
16 Social Security Administration

17
18 By: */s/ Caspar I. Chan
19 Caspar I. Chan
20 Special Assistant United States Attorney
21 Attorneys for Defendant
22 (*As authorized by email on January 13, 2022)
23
24
25
26
27
28

ORDER

Based upon the foregoing stipulation of the parties (Doc. 16), and for good cause appearing (Fed. R. Civ. P. 16(b)(4)),

IT IS HEREBY ORDERED that Plaintiff shall have an extension of time, to and including March 22, 2022, in which to file Plaintiff's motion for summary judgment. All other deadlines set forth in the Scheduling Order (Doc. 14) shall be extended accordingly.

IT IS SO ORDERED.

Dated: **January 14, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE